

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Woojin Lee, et al.

Serial No.: 10/715,339

Filed: November 17, 2003

For: **ROBOTICALLY CONTROLLED
SURGICAL INSTRUMENTS**

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) **Confirmation No.:** 2403
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) **Group Art Unit:** 3733
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) **Examiner:** Philogene, Pedro
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RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This letter is in response to the Office Action, dated September 8, 2006. Claims 1-72 remain pending in this application, none of which have been amended.

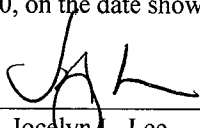
Claim Rejections-35 U.S.C. §102

Claims 12-16, 20-29, 32, 33, 36-40, and 42-44 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 5,817,119 to Klieman et al. ("Klieman"). Applicant

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below via the USPTO EFS-Web filing system.

3/8/07
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Jocelyn L. Lee

respectfully traverses this rejection, since Klieman does not disclose each and every element required by these claims.

The Examiner apparently has concluded that the accommodating mechanism in the Klein device is the mechanism that allows pivoting of the end effector 8 independent of the degree of closure of the blades 16, 18; that is, the pivoting action illustrated by arrow C in Fig. 3C. However, the drive mechanism or driving means that is accommodated in claims 12, 28, and 29 is the mechanism that controls the grasping force of the jaw members—not the mechanism that pivots the jaw member combination. In Klein, the drive mechanism or driving means that controls the grasping force of the blades 16, 18 includes the cords 24, 30, barrel tube 6, collar 45, and trigger 48 (see col. 8, lines 16-20; col. 9, lines 5-17). Applicant can find no disclosure in Klein where the cords 24, 30, barrel tube 6, collar 45, and trigger 48 are accommodated in the manner required by the claims.

In addition, independent claims 12 and 28 require the drive mechanism or driving means that controls the grasping force of the jaw members to move to the locked position. Independent claims 24 and 42 require force to be applied to the grasped item as the jaws close to a locked position. Independent claim 29 requires the work members to be closed beyond a maximum grasping position. There is no disclosure in Klein that the blades 16, 18 can be locked or closed beyond a maximum grasping position.

Thus, Applicant submits that independent claims 12, 20, 24, 28, 29, 37, 42, and 44, as well as the claims depending therefrom (claims 13-16, 21-23, 25-27, 32, 33, 36, 38-40, and 43), are not anticipated by Klein, and as such, respectfully request withdrawal of the §102 rejections of these claims.

Allowable Subject Matter

Applicant graciously acknowledges the allowance of claims 1-11 and 54-72. While Applicant graciously acknowledges the Examiner's indication that claims 17-19, 30, 31, 34, 35, and 41 recite patentable subject matter, these claims have not been rewritten in independent form, because it is believed that the claims from which they depend are allowable, as discussed above. As such, Applicant respectfully requests withdrawal of the objections of claims 17-19, 30, 31, 34, 35, and 41.

Conclusion


Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

VISTA IP LAW GROUP LLP

Dated: March 8, 2007

By:



Michael J. Bolan
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